

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 3RD JULY 2007 / 12TH ASHADHA 1929

WA.No. 1596 of 2007

AGAINST THE JUDGEMENT IN WPC.14805/2007 Dated 11/05/2007

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APPELLANT/RESPONDENT

KODUR GRAMA PANCHAYATH,
KODUR P.O., MALAPPURAM DISTRICT.

BY ADV. SRI.N.MANOJ KUMAR
SMT.JAYASREE MANOJ
SRI.M.RISHIKESH SHENOY

RESPONDENT/PETITIONER:

ESSAR TOWER INFRASTRUCTURE (P) LTD.,
41/256, C-19, SECOND FLOOR, MATHER SQUARE,
OPP. NORTH RAILWAY STATION, KOCHI,
REP. BY EXECUTIVE (SITE ACQUISITION AND
ADMINISTRATION), MR. RAHUL DAS.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION
ON 03/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN, J.

W.A.No.1596 of 2007

Dated, this the 3rd day of July, 2007

JUDGMENT

H.L.Dattu, C.J.

Questioning Ext.P1 order issued by the Kodur Grama Panchayat petitioner (respondent herein) was before this Court, inter alia, seeking a writ in the nature of certiorari to quash the resolution of the Grama Panchayat and secondly for a direction to the Grama Panchayat to reconsider his application and pass appropriate orders.

2. The facts in nutshell are; the petitioner has filed an application before the Kodur Grama Panchayat for permission to erect a mobile phone tower. The Panchayat committee after inspection of the spot identified by the petitioner and being of the opinion that the local inhabitants had strong protest in granting such permission, have passed a resolution dated 28.4.2007 resolving to reject the request made by the petitioner for erection of a mobile phone tower in the Panchayat area.

3. The learned Single Judge keeping in view the observations made by this Court in W.P.(C) No.179 of 2006 and in the case of **Reliance Infocomm v. Chemancherry Grama Panchayat** (2006 (4) KLT 695), has allowed the writ petition and has further directed the respondent/Grama Panchayat to reconsider the application filed by the petitioner in the light of the aforesaid decisions of this Court. Aggrieved by the said order the Grama Panchayat is before us in this appeal.

4. The learned counsel appearing for the appellant would vehemently contend before us that the learned Single Judge without considering the real grievance of the Panchayat and also the protest of the local inhabitants, has passed the impugned order.

5. The facts are not in dispute. Petitioner had gone before the Panchayat for grant of permission to erect a mobile phone tower. Permission is rejected solely on the ground that the local inhabitants have got a strong objection in granting such a permission. This Court in the aforesaid decisions has observed that the objection raised by the residents of the locality is irrelevant while considering the application for grant of permission for erection of a mobile phone tower.

6. Since the learned Single Judge has followed the decisions of this Court which have become final, in our opinion, the learned Judge has not committed any error whatsoever which would call for our interference. Therefore, the writ appeal requires to be rejected and it is rejected,

Ordered accordingly.

(H.L.DATTU)
CHIEF JUSTICE

(K.T.SANKARAN)
JUDGE

vns